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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE PLAID INC. PRIVACY
LITIGATION

Master Docket No.: 4:20-cv-03056-DMR

**NOTICE OF FILING OF
SUPPLEMENTAL DECLARATION**

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Pursuant to the Court’s comments and direction during the September 30, 2021 preliminary approval hearing in this matter, and the Court’s corresponding September 30, 2021 Minute Order (ECF No. 146), Plaintiffs are filing herewith a supplemental declaration by Steven Weisbrot on behalf of Angeion Group, LLC, the proposed Settlement Administrator, that: (i) “set[s] forth the basis for the proposed administrator’s estimate that the claims rate will be between 1-4% of the total class size”; (ii) “address[es] claims rates in comparable cases”; (iii) “addresses the costs associated with sending the class notice via U.S. Mail to every proposed class member for whom Plaid has a physical mailing address”;¹ and (iv) “address[es] the estimated claims rate for emailed vs. mailed notice.”

In addition to addressing the matters specifically directed by the Court, in light of data from Plaid estimating that approximately up to 83% of records for Class Members with an email address also have a mailing address, Mr. Weisbrot’s supplemental declaration Part III (¶¶ 10–11) also discusses the related issue of the estimated additional expenditure from the Settlement Fund that would be required to send a secondary mailed notice to Class Members whose initial e-mail notice is returned undeliverable, rather than relying solely on Media Notice to reach those Class Members in the event their e-mail “bounces back.”

Assuming claims rates of 1–4%, these additional Notice Costs are estimated between \$1,098,065 and \$2,171,659,² increasing the total potential anticipated Notice Costs up to \$6,229,000 (*id.* ¶ 10) (\$500,000 of which would be paid by Plaid in that instance), depending on actual claims rates and the percentage of undeliverable e-mail notices. The proposed Media Notice is reasonably expected to reach the small percentage of Class Members whose e-mails are returned undeliverable as effectively as it will reach the estimated one-third of Class Members for whom Plaid has neither an e-mail nor a mailing address. Given that fact, and in light of the total

¹ With regard to item (iii), Plaintiffs submit that the estimated costs of close to \$30 million clearly outweigh the benefit of providing additional mail notice to every proposed class member for whom Plaid has a physical mailing address. *See* Supplemental Weisbrot Declaration (filed herewith), ¶ 8.

² These figures were calculated by subtracting the Total Direct Notice Costs reported by Mr. Weisbrot without a secondary mailed notice campaign (¶ 9) from the Total Estimated Costs estimated with such a campaign (¶ 10).

costs, Plaintiffs anticipate utilizing additional mailed notice to e-mail bounce backs—as discussed in Mr. Weisbrot’s supplemental declaration—only in the event that such additional efforts toward direct notice would not bring total administrative costs over approximately \$6.0 million.³

For the reasons stated in the Memorandum of Points and Authorities in Support of Plaintiffs’ Motion for Preliminary Approval (ECF No. 137-1) and at the September 30, 2021 preliminary approval hearing in this matter, and based on the further information set forth in the supplemental declaration filed herewith, Plaintiffs respectfully request that the Court enter the proposed Preliminary Approval Order (ECF No. 141) and schedule a Final Approval Hearing for not less than 160 days after entry of the Preliminary Approval Order, or as soon thereafter as is convenient for the Court.

Dated: October 7, 2021

Respectfully submitted,

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³ This includes Plaid’s additional contribution of up to \$500K.

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